

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INGENUS PHARMACEUTICALS, LLC,
and LEIUTIS PHARMACEUTICALS LLP,

Plaintiffs,

v.

ACCORD HEALTHCARE, INC.,

Defendant.

C.A. No. 23-377-JLH

ANDA CASE

STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND TIME

WHEREAS, opening expert reports are presently due to be served on Friday, September 27, 2024 (D.I 18 at ¶ 24(a));

WHEREAS, due to medical reasons, Plaintiff's expert, Rodolfo Pinal, Ph.D., is unable to continue in his capacity; and

WHEREAS, the parties have agreed to extend the deadline for disclosure of expert testimony by six (6) weeks to November 8, 2024, and to extend other deadlines as shown in the table below;

Event	Current Deadline	Proposed New Deadline
Opening Expert Reports	September 27, 2024	November 8, 2024
Rebuttal Expert Reports	October 28, 2024	December 9, 2024
Reply Expert Reports	November 13, 2024	December 23, 2024
Close of Expert Discovery	November 26, 2024	January 17, 2025
<i>Daubert</i> Opening Briefs	December 13, 2024	January 24, 2025 ^{***} (see next page)
<i>Daubert</i> Answering Briefs		
<i>Daubert</i> Reply Briefs		
Joint Pretrial Order Filing	February 4, 2025	February 19, 2025
Pretrial Conference	February 25, 2025	February 25, 2025 (no change)
Trial (3 day bench)	March 24, 2025	March 24, 2025 (no change)

IT IS HEREBY STIPULATED AND AGREED by and between the Parties, subject to the approval of the Court, that the deadline for disclosure of expert testimony shall be extended from

September 27, 2024 to November 8, 2024; the deadline for the disclosure of rebuttal expert testimony shall be extended from October 28, 2024 to December 9, 2024; the deadline for reply expert reports shall be extended from November 13, 2024 to December 23, 2024; the close of expert discovery shall be extended from November 26, 2024 to January 17, 2025; the deadline for submission of *Daubert* opening briefs shall be extended from December 13, 2024 to January 24, 2025; the deadline to file the Joint Pretrial Order shall be extended from February 4, 2025 to February 19, 2025; and all other deadlines shall remain unchanged.

Pursuant to Local Rule 16.4(b), the undersigned counsel certify that their clients have been sent a copy of this stipulation.

Dated: September 24, 2024

SMITH, KATZENSTEIN & JENKINS LLP

/s/ Daniel A. Taylor

Neal C. Belgam (No. 2721)
Daniel A. Taylor (No. 6934)
1000 West Street, Suite 1501
Wilmington, DE 19801
(302) 652-8400
nbelgam@skjlaw.com
dtaylor@skjlaw.com

*Attorneys for Plaintiffs Ingenus
Pharmaceuticals, LLC, and Leiutis
Pharmaceuticals LLP*


GREENBERG TRAURIG, LLP

/s/ Renée Mosley Delcollo

Benjamin J. Schladweiler (No. 4601)
Renée Mosley Delcollo (No. 6442)
222 Delaware Avenue
Suite 1600
Wilmington, DE 19801
(302) 661-7000
schladweilrb@gtlaw.com
renee.delcollo@gtlaw.com

*Attorneys for Defendant
Accord Healthcare, Inc.*

SO ORDERED this 4th day of October, 2024


United States District Judge

***The parties have proposed a tight schedule for the Court to rule on *Daubert* motions. The Court is willing to afford the parties the time they think they need for expert reports, but that will not leave sufficient time for full briefing on *Daubert* motions. The parties may file 3-page letters on or before January 24, 2025 requesting leave for full *Daubert* briefing. Any opposing party(ies) may respond with a 3-page letter within 3 days. The Court may thereafter order a teleconference and/or may choose to conditionally admit expert testimony subject to a later Rule 702 determination. See *UGI Sunbury LLC v. A Permanent Easement for 1.7575 Acres*, 949 F.3d 825, 833 (3d Cir. 2020).